

## United States Patent Application

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DOWNLOADING AND UPLOADING DATA IN INFORMATION NETWORKS**

and identified by NCR Corporation Docket No. **9494.00**, the specification of which:

- a. ☒ is attached hereto
- b. ☐ was filed on August 30, 2001 as United States Application Number or PCT International Application Number 09/943,113 and was amended on \_\_\_\_\_ (if applicable), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT application having a filing date before that of the application on the basis of which priority is claimed:

**FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119**

| COUNTRY       | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year) |
|---------------|--------------------|--------------------------------------|-------------------------------------|
| Great Britain | 0021371.0          | 1 September 2000                     | N/A                                 |

**OTHER FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)**

| COUNTRY | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year) |
|---------|--------------------|--------------------------------------|-------------------------------------|
|         | None               |                                      |                                     |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| U.S. PARENT APPLICATION<br>OR PCT PARENT NUMBER | DATE OF FILING<br>(day, month, year) | STATUS<br>(patented, pending, abandoned) |
|---|--------------------------------------|--|
| None  |                                      |  |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

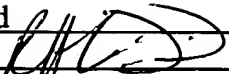
| U.S. PROVISIONAL APPLICATION NUMBER | DATE OF FILING (Day, Month, Year) |
|-------------------------------------|-----------------------------------|
| None                                |                                   |

And I hereby appoint: Michael Chan of Dayton, Ohio, Registration No. 33,663,  
John D. Cowart of San Diego, California, Registration No. 38,415,  
Douglas S. Foote of Dayton, Ohio, Registration No. 31,013,  
Paul W. Martin of Dayton, Ohio, Registration No. 34,870,  
James M. Stover of Dayton, Ohio, Registration No. 32,759.

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I hereby expressly waive my right to revoke the Power of Attorney granted above. Address all telephone calls to Michael Chan at telephone number 937-445-4956.

Address all correspondence to: Michael Chan  
NCR Corporation  
1700 South Patterson Blvd.  
Dayton, Ohio 45479-0001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor Richard Cudd  
Inventor's signature  Date: 9/01/02  
Residence 36 Grove Road, Ealing, London, United Kingdom W5 5DS  
Citizenship United Kingdom  
Post Office Address Same as above

Full name of inventor Matthew A. Ward  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence Flat 2, 111-115 Cambridge Gardens, London, United Kingdom W10 6JB  
Citizenship United Kingdom  
Post Office Address Same as above

Full name of inventor Roderick J.M. Macleod  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence 21 Kerrington Court, 148 Uxbridge Road, London, United Kingdom W12 8AA  
Citizenship United Kingdom  
Post Office Address Same as above

Full name of inventor Michael Waller  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence 1 Hayes Crescent, London, United Kingdom NW11 0DG  
Citizenship United Kingdom  
Post Office Address Same as above



#4

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dayton, Ohio

NCR Docket No. **9494.00**

Application of

**Richard Cudd et al.**

Serial No. **09/943,113**

Group Art Unit:

Filed: **August 30, 2001**

Examiner: **Unknown**

For: **DOWNLOADING AND UPLOADING DATA IN INFORMATION NETWORKS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF CHRISTINE SHEPPARD**

Sir:

I, Christine Sheppard, being duly sworn, do hereby declare and state:

1. I am employed in the Intellectual Property Section of the Law Department of NCR Corporation. I am located in the London (United Kingdom) office of NCR Corporation.

2. I work with Michael Chan, Senior Attorney in the Intellectual Property Section of the Law Department of NCR Corporation, who is located in the Dayton offices of the Intellectual Property Section of the Law Department of NCR Corporation.

3. I am responsible for patent formalities for the Financial Solutions Group of NCR Corporation.

4. I work with inventors (including Matthew A. Ward, Roderick J.M. Macleod, and Michael Waller who are inventors in the above-identified U.S. patent application, Serial No. 09/943,113) located in the United Kingdom to prepare patent applications for filing first in the U.K. Patent Office.

5. On August 30, 2000 or thereabouts, I was asked to obtain a docket number (that is a unique identifier) for a prepared patent application entitled as identified above. On August 30, 2000, I requested by email, a docket number from my counterpart in the Dayton offices of the Intellectual Property Section of the Law Department. I received an email reply on August 30, 2000 from my counterpart in the Dayton offices of the Intellectual Property Section of the Law Department (See Exhibit A for copy of the Invention Disclosure submitted by the inventors).

6. On September 1, 2000, a priority patent application Serial No. 0021371.0 corresponding to the above-identified U.S. patent application Serial No. 09/943,113 was filed in the U.K. Patent Office.

7. On November 9, 2001, four sets of U.S. patent application papers (including copy of specification, claims, drawings, declaration of inventors, and assignment for inventors) corresponding to the above-identified U.S. patent application, Serial No. 09/943,113, were received by from the Dayton offices of the Intellectual Property Section of the Law Department for forwarding to inventors Cudd, Ward, Macleod, and Waller, the inventors in the above-identified U.S. patent application, to sign the declaration and the assignment (see Exhibit B for copy of cover letter received with the four sets of U.S. patent application papers on November 9, 2001). As of November 9, 2001, none of the aforesaid inventors was in the employ of NCR Corporation.

8. On November 14, 2001, the U.S. patent application papers received on November 9, 2001 from the Dayton offices of the Intellectual Property Section of the Law Department were forwarded to inventors Ward, Macleod, and Waller at their home addresses, which are "66 Avignon Road, Brockley, London SE4 2JT", "21 Kerrington Court, 148 Uxbridge Road, London W12 8AA", and "1 Hayes Crescent, London NW11 0DG", respectively, for execution by the inventors (see Exhibit C for a copy of the letters sent by Royal Mail Recorded Delivery, to inventors Ward, Macleod, and Waller on November 14, 2001).

9. On December 7, 2001, or thereabouts, I spoke with the mother of Richard Cudd on the telephone. She stated that she was going to Richard Cudd's wedding which was to be held in Australia. At that time I asked her if she would be able to obtain the signature of Richard Cudd and on December 10, 2001 I sent her one set of the documents

10. On January 23, 2002, or thereabouts, I received from the mother of Richard Cudd the documents that were sent to her on December 10, 2001 (see Exhibit D for copy of the letter accompanying the documents received from her on January 23, 2002 or thereabouts). The documents received from her included the declaration and the assignment executed by Richard Cudd.

11. Each of inventors Ward, Macleod, and Waller has an Employment Agreement with NCR Corporation. The Employment Agreements obliges them, *inter alia*, ... "whether during or after their employment with the Company, execute any document and do any acts necessary to enable the Company or its assigns to obtain patent protection in any part of the world in respect of any invention..." (see Exhibit E

for Intellectual Property portion of each of inventors Ward, Macleod and Waller's Employment Agreement).

12. As of today, February 25, 2002, the documents sent to inventors Ward, Macleod, and Waller on November 14, 2001 have not been returned to me.

13 I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

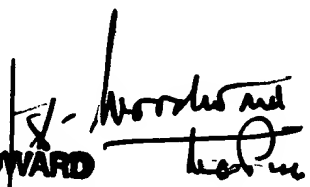
WHEREFORE, I hereby subscribe by name to the foregoing declaration.

Signed at London, United Kingdom this 25<sup>th</sup> day of February 2002.

SUBSCRIBED AND SWORN to by the  
said Christine Kathleen M Sheppard,  
at London, England, this 25th  
February 2002,  
Before me:

  
Christine Sheppard

Signed in the presence of

 , Notary Public  
**J.D. WOODWARD**  
Notary Public of London and elsewhere in England





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dayton, Ohio

NCR Docket No. 9494.00

Application of

**Richard Cudd et al.**

Serial No. 09/943,113

Group Art Unit: **2152**

Filed: **August 30, 2001**

Examiner: **Unknown**

For: **DOWNLOADING AND UPLOADING DATA IN INFORMATION NETWORKS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF MICHAEL CHAN**

Sir:

I, Michael Chan, being duly sworn, do hereby declare and state:

1. I am employed as a Senior Attorney in the Intellectual Property Section of the Law Department of NCR Corporation. I am located in the Dayton offices of the NCR Corporation.

2. I work with Christine Sheppard, Paralegal in the Intellectual Property Section of the Law Department, who is located in the London offices of the Intellectual Property Section of the Law Department of NCR Corporation.

3. I am responsible for preparing and prosecuting patent applications for the Financial Solutions Group of NCR Corporation.

4. On August 2, 2001 or thereabouts, an electronic copy of the specification, claims, and drawings for priority patent application Serial No. 0021371.0 filed September 1, 2000 in the U.K. Patent Office was received from the London offices of the Intellectual



Property Section of the Law Department. I used the electronic copy to prepare a corresponding U.S. patent application for filing in the U.S. Patent Office.

5. On August 30, 2001, a copy of U.S. patent application papers (including copy of specification, claims, drawings, and an unsigned declaration) corresponding to the above-identified U.S. patent application, Serial No. 09/943,113, were filed in the U.S. Patent Office. The above-identified U.S. patent application claims priority of priority patent application Serial No. 0021371.0 filed September 1, 2000 in the U.K. Patent Office.

6. On October 9, 2001, a Notice to File Missing Parts of Application (Filing Date Granted) dated October 3, 2001 from the U.S. Patent Office was received in the Dayton offices of the Intellectual Property Section of the Law Department.

7. On November 5, 2001 or thereabouts, four sets of U.S. patent application papers (including copy of specification, claims, drawings, declaration of inventors, and assignment for inventors) corresponding to the above-identified U.S. patent application, Serial No. 09/943,113, were sent from the Dayton offices to the London offices of the Intellectual Property Section of the Law Department for subsequent forwarding to joint inventors Richard Cudd, Matthew A. Ward, Roderick J.M. Macleod, and Michael Waller to sign the declaration and the assignment.

8. On January 15, 2002 or thereabouts, upon realizing that the U.S. patent application papers including executed declaration of inventors for the above-identified U.S. patent application, Serial No. 09/943,113 would most likely not be received in the Dayton Offices of the Intellectual Property Section of the Law Department for filing in the U.S. Patent Office, I started to prepare a Petition under 37 C.F.R. Section 1.47(a) along with its accompanying papers for filing in the U.S. Patent Office.

9. On February 28, 2002, a set of documents including Christine Sheppard's affidavit and its accompanying exhibits were received from the London offices of the Intellectual Property Section of the Law Department. The set of documents included an original set of U.S. patent application papers executed by Richard Cudd.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

WHEREFORE, I hereby subscribe my name to the foregoing declaration.

Signed at Dayton, Ohio this 4<sup>TH</sup> day of March 2002.



Michael Chan  
Reg. No. 33,663  
Attorney for Applicant(s)

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1700 S. Patterson Blvd., Dayton, OH 45479-0001  
Tel. No. 937-445-4956/Fax No. 937-445-3733